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FISCAL IMPACT REPORT

SPONSOR McSorley ORIGINAL DATE 2/26/07
LAST UPDATED _____ HB _____
SHORT TITLE Inclusion in Governmental Conduct Act SB 1051
ANALYST Wilson

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$0.1	\$0.1	\$0.1	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to several other bills addressing ethics in government.

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Public Education Department (PED)

Secretary of State (SOS)

SUMMARY

Synopsis of Bill

Senate Bill 1051 amends Section 10-16-2 NMSA 1978 to include all elected and appointed officials and employees of the state or of a political subdivision of the state within the meaning of "public officer or employee" as used in the Governmental Conduct Act. The current statute specifically excludes legislators and judges from the definition.

The effective date of the act is July 1, 2007.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary will be proportional to the enforcement of this law and commenced prosecutions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

SIGNIFICANT ISSUES

The bill will include judges and members of the legislature in the definition of “public officer or employee”. This will subject them to the same prohibitions as all other state-connected individuals within the scope of the Governmental Conduct Act.

The AOC noted that the following provisions of the Governmental Conduct Act already include legislators within their coverage, and should perhaps be amended to avoid repetition:

- Section 10-16-3 NMSA 1978, prohibiting certain official acts
- Section 10-16-4.1 NMSA 1978, prohibiting honoraria

No current statutory provisions within the Act address the conduct of judges, other than to exclude them from the Act.

RELATIONSHIP

SB 1051 relates to:

HB 553, Contributions to State Agents & Candidates
HB 818, Public Financing of Statewide Campaigns
HB 819 Gift Act
HB 820, Legislative Campaign Funds for Office Duties
HB 821, Campaign Reporting Requirements
HB 822, State Ethics Commission Act
HB 823, Prohibit Certain Acts by Public Officers
HB 1154, Lobbyist Filing Fees
HB 1295, Retaliation for Ethics Violation Reporting
HB 1053, Campaign Reporting Act Exception Statements
HB 1296, Investigation of Elected Officials by AG

SB 342, Candidate Withdrawal Requirements
SB 400, Contributions to State Agents & Candidates (dup HB 553)
SB 445, Extend Governmental Conduct Act
SB 588, Former Legislators as Lobbyists
SB 671, Candidate Withdrawal Requirements (dup SB 342)
SB 796, Legislative Campaign Funds for Office Duties (dup HB 820)
SB 799, Public Financing of Statewide Campaigns (dup HB 818)
SB 800, Campaign Reporting Requirements (dup HB 821)
SB 815, State Ethics Commission Act (dup HB 822)
SB 931, Gift Act (dup HB 819)
SB 953, Lobbyist Filing Fees (dup HB 1154)
SB 1043, Whistleblower Protection Act
SB 1107, Prohibit Certain Acts by Public Officers (dup HB 823)
SB 1137, Reporting of Lobbyist Compensation
SB 1177, Disclosure by Procurement Contractors